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town in the fourteenth, fifteenth, and sixteenth centuries. There are many features of mediæval gild life that will remain obscure until more craft ordinances are published. One of these obscure points is the early status of the weavers and tanners, with which Mr. Leach deals, but on which he does not throw new light, though we are thankful for the early version of their laws printed in his Appendix.

Among the interesting problems that this volume will help to elucidate is the meaning of the term *communitas* in town records. It is clear that in Beverley, as in many other boroughs, the "community" was the town corporation, the aggregate of the "burgesses," and not, as Mrs. Green contends, a corporate body distinct from those who governed the town.

Mr. Leach's editorial work deserves high commendation, and his translations of the Latin documents are excellent. C. G.

A TREATISE ON THE LAW OF EMINENT DOMAIN IN THE UNITED STATES.

By John Lewis. Second edition. Chicago: Callaghan & Co. 1900.
2 vols. pp. cclix, 1555.

The first edition of this work appeared in 1888 and at once found a ready acceptance, as a satisfactory treatise on the subject of eminent domain was then lacking. The hold that Mr. Lewis's book obtained on the legal profession was permanent, and though other books on the subject have since appeared it has done much to shape the law of eminent domain as it now stands. But the amount of litigation on this subject of recent years has been very great, and while it has largely proceeded along the lines indicated in the former edition, many new points have been developed. These, together with an amplification of former material, have caused the addition of one hundred and ninety-two sections. This new matter is particularly noticeable in the chapters treating of "Roads and Streets," "What may be Taken," and "Compensation." The number of cases cited has also been more than doubled; the author's avowed object being to make the collection of authorities exhaustive. These citations are not restricted to cases decided in the United States, but over three hundred English and Canadian cases are included.

Perhaps the chief criticism that can be made of Mr. Lewis's valuable book might be that it is too comprehensive. The author has not restricted himself to his subject as closely as may be thought desirable. He discusses at considerable length many points in such topics as the law of waters, evidence, and damages, though their connection with his primary subject is not so close but that they are as fully, and more appropriately, treated in the text-books on these respective branches of the law. Further, the author has adopted the common method of quoting at great length from cases. This no doubt makes a so-called text-book easier of production, but at the same time lessens its value as an authority. In consequence of these two causes the book is larger than the nature of the subject would seem to warrant. A certain breadth of treatment also appears lacking in Mr. Lewis's discussion of grave constitutional questions. The absence of any consideration of these in the light of their historical development is noticeable. Consequently one does not feel entire confidence in his conclusions on some points. He adopts the prevalent opinion that the question of "public use" is for the judiciary, and with that as a premise concludes that the phrase "public

use" must mean "use by the public." For, he argues, it could not mean public benefit or utility, because the people would not commit such a question to the courts, but to the legislature. This conclusion necessitates his dissenting from certain cases which uphold the exercise of eminent domain for mills, mines, and drainage, and at the same time forces him to consider uses to which the power has never yet been extended — such as the establishment of hotels and theatres — to be proper subjects for its exercise. While it cannot be seriously questioned that Mr. Lewis's conception, that "public use" merely means "use by the public," has at no time been the accepted idea of the object of eminent domain, and cannot therefore be the sense in which the words were used in the constitutions, it further seems very probable that Mr. Lewis's premise is likewise defective. Before the adoption of our constitutions the question of the expediency and public nature of the object of the power was for the legislature, and it would seem that the constitutions have not altered the legislative authority in this respect further than to empower the court to hold invalid an arbitrary exercise of this right by the legislature. Thus the court has but the same power to supervise legislative action that it has over the action of the jury, and no one would say a question which the jury must pass upon is a question for the court. Mr. Lewis's statement that a man's property consists of a bundle of rights, and that it consequently is an exercise of the power of eminent domain when by any public improvement his property is made less beneficial to him, seems also open to question. It must be confessed that the weight of authority in this country since the former edition of Mr. Lewis's book has been apparently in his favor. On careful examination, however, that these cases consistently support the bundle of rights view is not so manifest, and as that is certainly not the common-law conception of property, it would seem better to accord with sound principles to hold with the earlier cases that an injury to property other than by a physical invasion is not an exercise of the right of eminent domain.

In the second volume the subject of proceedings in eminent domain has been treated at length, and very satisfactorily. In this part of the work the alterations have been less than in the first volume, yet even here the increase of matter is noticeable, especially in the footnotes. The entire work will be of great service to the practitioner, as it may safely be said to represent, and, in the main, correctly, the present stage of the law of eminent domain.

F. R. T.

A TREATISE ON THE LAW OF WATERS, including Riparian Rights, and Public and Private Rights in Waters, Tidal and Inland. Third edition. By John W. Gould. Chicago: Callaghan & Co. 1900. pp. cxvii, 956.

The value to the practitioner of a book on some special topic in the law such as the above treatise depends mainly upon two things: a clear and adequate statement of the propositions of law involved, and a complete and up-to-date marshalling of the authorities. It is gratifying, therefore, to have a new edition of this standard work, for during the last decade there have been many additions to the authorities on the subject and some decisions of considerable moment in the shaping of principles of law. The author in his preface remarks as of special